Atty. Docket No.: PR60397USw
10/572,974

REMARKS

Claims 1-12 are pending in this application. The Examiner has required restriction to one of two (2) groups. In response to such restriction, Applicants wish to proceed as follows.

Applicants elect with traverse Group II (claims 4-6, 8, 10, 12), drawn to a method of reducing or preventing development of liver fibrosis comprising administering to a mammalian subject in need of such treatment a therapeutically effective amount of an FXR agonist, and select the species of claim 6 (Formula II), for prosecution on the merits.

Applicants traverse on the grounds that the application is a national phase entry under 35 U.S.C. § 371. MPEP 1893.03(d) explicitly states that "unity of invention (not restriction) practice is applicable in international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371." Accordingly, the provisions of MPEP 1893.03(d) control. The restriction argues that consideration of all of the claims would be unduly burdensome and that the claims contain independent and distinct inventions, but this is not the applicable standard under PCT practice. Consequently, the restriction requirement must be withdrawn.

The Commissioner is hereby authorized to charge any fees required or credit any overpayment to Deposit Account No. 07-1392.

Respectfully submitted,

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